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Attorneys for Charging Parties

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD

REGION 32

INTERNATIONAL LONGSHORE AND  
WAREHOUSE UNION (PACIFIC CRANE  
MAINTENANCE COMPANY, INC.),

and

INTERNATIONAL ASSOCIATION OF  
MACHINISTS AND AEROSPACE WORKERS,  
AFL-CIO, DISTRICT LODGE 190, LOCAL  
LODGE 1546 and DISTRICT LODGE 160.

Case 32-CB-005932

RESPONSE TO ILWU NOTICE

The ILWU filed a Notice with the Board on November 24, 2020 entitled “Respondent ILWU Notice re: Exceptions Briefing Complete.”

To date, the Board has not decided the Motion to Strike the ILWU’s exceptions which the Charging Parties filed. We understood that the October 6, 2020 Order denied the Motion for Reconsideration. Charging Parties fully anticipate that the Board upon consideration will find that the exceptions and/or the cross-exceptions were untimely. Indeed that issue is also preserved for Court of Appeals if necessary.

The Board has before it nonetheless, all of the relevant arguments. The Decision of the Administrative Law Judge is complete, thorough and correct.

The General Counsel moreover filed an extensive brief to the Administrative Law Judge, a copy of which is attached to this response.

The Charging Parties request that the Board promptly decide this case. It should either strike the exception/cross-exceptions as being late and/or fully affirm the decision of the Administrative Law Judge. In addition, the Board should grant the cross-exceptions filed by the Charging Parties.

This case is now almost 16 years old. Several workers who will benefit have died. The ILWU will undoubtedly appeal further to delay since it is facing bankruptcy in light of the ICTSI litigation in Oregon. This case should be resolved nonetheless.

Dated: December 7, 2020

Respectfully submitted,

WEINBERG, ROGER & ROSENFELD  
A Professional Corporation

By: /s/ David A. Rosenfeld  
DAVID A. ROSENFELD  
Attorneys for Charging Parties

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## PROOF OF SERVICE

I am a citizen of the United States and resident of the State of California. I am employed in the County of Alameda, State of California, in the office of a member of the bar of this Court, at whose direction the service was made. I am over the age of eighteen years and not a party to the within action.

On December 7, 2020, I served the following documents in the manner described below:

### RESPONSE TO ILWU NOTICE

- ☒ BY ELECTRONIC SERVICE: By electronically mailing a true and correct copy through Weinberg, Roger & Rosenfeld's electronic mail system from kshaw@unioncounsel.net to the email addresses set forth below.

On the following part(ies) in this action:

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on December 7, 2020, at Emeryville, California.

/s/ Denise Taylor  
Denise Taylor